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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/572,345

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Ulrich Brunet

2008-0001

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28078 7590 10/08/2008

MAGINOT, MOORE & BECK, LLP

CHASE TOWER

111 MONUMENT CIRCLE

SUITE 3250

INDIANAPOLIS, IN 46204

EXAMINER

LE, NANCY LOAN T

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/572,345 | <b>Applicant(s)</b><br>BRUNET ET AL. |  |
|                              | <b>Examiner</b><br>NANCY T. LE       | <b>Art Unit</b><br>3621              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Acknowledgements***

This Office Action is responsive to the *original* application filed on *13 April 2006*.

All references to the capitalized versions of "Applicants" refer specifically to the Applicants of record. Any references to lower case versions of "applicant" or "applicants" refer to any or all patent "applicants". Unless expressly noted otherwise, references to "Examiner" refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US **2004/0064406 A1 (Yates et al.**; hereafter "Yates").

Yates teaches a method for carrying out an electronic transaction, having the following steps: a data interchange is performed between a first network subscriber node and a second network subscriber node with a first terminal at the first network subscriber node

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via a first communication network for stipulating transaction data for the transaction; an identification number for a second terminal at the first network subscriber node in a second communication network, different than the first, is input into the first terminal at the first network subscriber node by the first network subscriber node; the identification number and the transaction data are transmitted from the first network subscriber node to a third network subscriber node via a third communication network; the validity of the identification number is verified by the third network subscriber node, and an associated service provider node from a plurality of service provider nodes registered with the third network subscriber node is identified using the identification number; the verified identification number and the transaction data are transmitted from the third network subscriber node to the associated service provider node via a fourth communication network; a credit stipulated by the transmitted transaction data is reserved at the associated service provider node for the second network subscriber node by debiting an account at the first network subscriber node, which account is managed at the associated service provider node for the identification number, and the reserved credit is confirmed by the associated provider node to the third network subscriber node via the fourth communication network; a transaction number is generated and the transaction number is transmitted from the third network subscriber node to the second terminal at the first network subscriber node via the second communication network; the transmitted transaction number is input into the first terminal at the first network subscriber node and the input transaction number is transmitted to the third network subscriber node via the third communication network; the transmitted transaction

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number is verified by the third network subscriber node by comparing it with the transaction number generated previously by the third network subscriber node; and the credit reserved by the associated service provider node is confirmed by the third network subscriber node to the second network subscriber node via the third communication network; a data interchange is performed between a first network subscriber node and a second network subscriber node with a first terminal at the first network subscriber node via a first communication network for stipulating transaction data for the transaction; an identification number for a second terminal at the first network subscriber node in a second communication network, different than the first, is input into the first terminal at the first network subscriber node by the first network subscriber node; the identification number and the transaction data are transmitted from the first network subscriber node to a third network subscriber node via a third communication network; the validity of the identification number is verified by the third network subscriber node, and an associated service provider node from a plurality of service provider nodes registered with the third network subscriber node is identified using the identification number; the verified identification number and the transaction data are transmitted from the third network subscriber node to the associated service provider node via a fourth communication network; a credit stipulated by the transmitted transaction data is reserved at the associated service provider node for the second network subscriber node by debiting an account at the first network subscriber node, which account is managed at the associated service provider node for the identification number, and the reserved credit is confirmed by the associated provider node to the

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third network subscriber node via the fourth communication network; a transaction number is generated and the transaction number is transmitted from the associated service provider node to the second terminal at the first network subscriber node via the second communication network; the transmitted transaction number is input into the first terminal at the first network subscriber node and the input transaction number is transmitted to the third network subscriber node via the third communication network; the transmitted transaction number is forwarded from the third network subscriber node to the associated service provider node via the fourth communication network; the transmitted transaction number is verified by the associated service provider node by comparing it with the transaction number generated previously by the associated service provider node; the verified transaction number is confirmed by the associated service provider node to the third network subscriber node via the fourth communication network; and the credit reserved by the associated service provider node is confirmed by the third network subscriber node to the second network subscriber node via the third communication network; conclusion of the transaction is confirmed by the second network subscriber node to the third network subscriber node via the third communication network; and conclusion of the transaction is confirmed by the third network subscriber node to the associated service provider node via the fourth communication network (see at least **paragraphs 0005 - 0070**).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Examiner has cited particular columns and line numbers and/or paragraph and/or page numbers in the prior arts of record as applied to the claims above in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to fully consider the references in its **entirety** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.

***For official/regular communication***, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

***For informal/draft communication***, the fax number is **(571) 273-7066**  
**(Rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

NANCY T. LE  
Examiner, Art Unit 3621

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621